

REMARKS**Summary of the Final Office Action**

Claims 5, 7-9, 20 and 23-24 stand rejected under 35 U.S.C. § 101 because these claims are allegedly directed to an information record medium storing nonfunctional descriptive material.

Claims 10, 12-15, 17-19, 21-22 and 25-28 are allowed.

Summary of the Response to the Office Action

Applicants have amended claims 5 and 23 to improve the form of these “record medium” claims in accordance with helpful suggestions provided by Examiner Jamie Vent in a telephone interview with Applicants’ undersigned representative on June 26, 2006, as discussed further below. In addition, Applicants have amended claims 5, 10, 15, 25 and 27 to replace “other mid area” with --another mid area-- to improve the readability of the claims. Accordingly, claims 5, 7-10, 12-15 and 17-28 remain currently pending for consideration.

Rejection under 35 U.S.C. § 101 and Summary of Examiner Interview

Claims 5, 7-9, 20 and 23-24 stand rejected under 35 U.S.C. § 101 because claims 5-9 are allegedly directed to an information record medium storing nonfunctional descriptive material.

Examiner Jamie Vent is thanked for the courtesies extended to Applicants’ undersigned representative in a telephone interview held on June 26, 2006. During the interview, Applicants’ undersigned representative reiterated arguments along the lines of those included in the previous Amendment filed on November 10, 2005 in the instant application. It is believed that such

arguments still apply to the instant application. Moreover, the statement of Examiner Thai Q. Tran at page 2, lines 12-14 of section 1 in the Final Office Action dated January 26, 2006 is respectfully traversed. More particularly, Examiner Tran asserted at this portion of the Final Office Action that “the claimed record medium does not increase the efficiency of the information reproducing apparatus...” Such an assertion is strongly traversed because independent claim 5 is directed to an information record medium arrangement that includes data stored in particular ways that increases the efficiency of the information reproducing apparatus that will read the medium, as described throughout the specification of the instant application. See, for example, page 37, lines 8-20 of the instant application’s specification.

Nevertheless, in the telephone interview with Examiner Jamie Vent on June 26, 2006, Examiner Vent indicated that the USPTO has recently implemented new internal procedures for making determinations of statutory subject matter under 35 U.S.C. § 101, including such “record medium” claims as independent claims 5 and 23 of the instant application. Examiner Vent indicated that under these new procedures, more detail regarding the statutory subject matter must be included in the preamble (beginning portion) of the such claims. For example, in the instant application, more detail regarding the “record medium” must be included in the preamble of claims 5 and 23.

Examiner Vent recommended amending claim 5 as shown in the concurrently-filed amendment. Examiner Vent indicated that these changes would likely resolve the outstanding issues under 35 U.S.C. § 101. However, Examiner Vent specifically requested that Applicants’ undersigned representative indicate in this as-filed response that if the Examiner still has outstanding issues regarding the rejections under 35 U.S.C. § 101 after formal review of the as-

filed amendments, that a telephone call be placed to us to discuss any additional minor changes that might still be required at that time. Accordingly, Examiner Vent is invited to telephone Applicants' undersigned representative at 202-842-8812 if any such further discussion is deemed necessary. However, for at least the foregoing reasons, Applicants respectfully submit that claims 5, 7-9, 20 and 23-24 fully comply with 35 U.S.C. § 101. Withdrawal of the rejections under 35 U.S.C. § 101 is thus respectfully requested.

In addition to the amendments to claims 5 and 23 discussed above, Applicants have also amended claims 5, 10, 15, 25 and 27 to replace "other mid area" with --another mid area-- to improve the readability of the claims.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel.: (202) 842-8800
Fax: (202) 842-8465